REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-31 stand rejected under 35 U.S.C. § 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,553,100 ("Chen"). The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Examiner's Response to Arguments

The Examiner states the following:

> Regarding claim 1, Applicant argues that Chen does not describe, teach, or suggest and fails to anticipate the claimed "authorization level established by a user command." According to the specification of the current application, Paragraph 0050 is cited below.
>
> . . .
>
> In light of the specification provided by the applicant, level of authorization is simply routing the media to a different location. In similarity, Chen teaches user may update profile indicating he/she is visiting relative's house, which routes any alerts to relative's location.

See the Office Action at pages 2-3. The Applicant respectfully disagrees with the above assessment. Firstly, the Applicant points out that the Examiner has not responded to all of the Applicant's arguments in the September 16, 2008 response. More specifically, the Examiner is referred to the arguments in pages 12-16 of the September 16, 2008 response, which have not been addressed in their entirety by the Examiner.

Secondly, the Applicant respectfully traverses the above interpretation of "level of authorization." Even though the term "level of authorization" is tied to the routing of media to another location (as explained in the specific example stated in paragraph 0050 of the specification), the Examiner's statement that "level of authorization is simply routing the media to a different location" is erroneous and unsupported. The Examiner is urged to re-read the specification and Applicant's arguments in the September 16, 2008 response.

Since the Examiner is now using a 35 U.S.C. § 102(e) rejection in place of the 35 U.S.C. § 103(a) rejection from the previous Office Action, the Applicant has updated the arguments accordingly herein below.

II.   Chen Does Not Anticipate Claims 1-31

The Applicant now turns to the rejection of claims 1-31 under 35 U.S.C. 102(e) as being anticipated by Chen. With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See id. (internal citation omitted).

Without conceding that Chen qualifies as prior art under 35 U.S.C. 102(e), the

Applicant respectfully traverses this rejection as follows.

A.   Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the

Applicant submits that Chen does not disclose or suggest at least the limitation of

"automatically routing said generated message to a location that is remote from said

first geographic location, based on a prior authorization level established by a user

command, wherein said routing is performed prior to communicating said generated

message to any device within said first geographic location," as recited by the Applicant

in independent claim 1.

> The Office Action states the following:
>
> With respect to Claim 1, the claimed "receiving, at a first geographic location, an alert from a first device coupled to the communication networK' is met by Chen et al. that teach the use of an intelligent processor (100) in receiving an alert from alarm event detectors (510,520) via a network (200) at a 1st geographic location, i.e. a subscribers' home (Abstract; Fig. 1&5; col. 1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; &col.9, lines 47-48).
>
> The claimed "generating within a home; a message corresponding to said received alert;" is met by Chen et al. that teach the generation & transmittal by an intelligent processor (100), located on-premise, of an alert message to a user's television (310,320) located with a subscribers' home (Fig.5; col. 1, lines 61-67; col.6, lines 40-48; col.8, lines 46-53; &col.9, lines 54-57).
>
> **The claimed "automatically routing said generated message to a location that is remote from said first geographic location, based on**

a prior authorization level established by a user command, wherein said routing is performed prior to communicating said generated message to any device within said first geographic location (i.e. user updating profile will route the alert to the relative's house instead of on-premise devices)." (col. 4, lines 51-67).

See the Office Action at pages 3-4. Chen discloses an intelligent alerting system that receives a notification and alerts end-users via one or more devices (on-premises or off-premises devices). Chen's system also includes a processor (100 in FIG. 1) that determines whether any of these devices are active for purposes of communicating the alert. *See* Chen at col. 1, lines 17-29. Referring to FIGS. 2-3 of Chen, the Applicant points out that the processor 100 uses an alert destination determination device 170, which determines whether or not to transmit the alert to an on-premise or off-premise device. More specifically, Chen discloses that **if no acknowledgement is received in response to an alert transmitted to on-premise devices (330 and 340), the processor 100 attempts to alert the user at the off-premises devices (410, 420, and 430).** *See id.* at col. 4, lines 51-59. In this regard, *__the alert is not transmitted automatically to the off-premises devices__*. Put another way, *__the transmission of the alert to the off-premises device is performed only after the alert is transmitted to the on-premises device and no response (acknowledgement) from a user is detected at the on-premises device__*. Therefore, Chen does not disclose "wherein said routing is performed prior to communicating said generated message to any device within said first geographic location," as recited in Applicant's claim 1.

Furthermore, the alert destination determination device 170 may use profiles that indicate where the user can be reached by a given device. *See id.* at col. 7, lines 57-65. In this regard, Chen does not disclose any routing of a generated message (notification) to a location that is remote from the first geographic location (i.e., where the alert is received at), **based on a prior authorization level established by a user command.** In fact, **Chen does not disclose that the notification routing is in any way influenced or based on any user commands.** The Applicant notes that **Chen's user profile used with regard to device 170 simply stores pre-determined user locations and it has <u>nothing</u> to do with setting up authorization levels established by a user command.** The Examiner is further reminded that "based on a prior authorization level established by a user command" (in Applicant's claim 1) further conditions the act of automatic routing of the alert (message) to the off-premises device. Omoigui relates to specifying the method of notification and it does not relate to conditioning the act of notifying.

Even if we assume, for the sake of argument, that "authorization level" is indeed interpreted as being binary (either allowing or not allowing transmission of the alert), the Applicant submits that the Examiner's argument is still deficient. As already explained above, once Chen determines that the user is not responding at the on-premises device, **the alert <u>has</u> to be communicated to the off-premises device** since this is the only other alternative for notifying the user. **After it is determined that a user has to be notified at the off-premises device, such notification cannot be further**

conditioned as there is no other alternative remaining for notifying the user of the alert.

Therefore, the Applicant maintains that Chen does not disclose or suggest at least the limitation of "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level established by a user command, wherein said routing is performed prior to communicating said generated message to any device within said first geographic location," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Chen and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the reference cited in the Office Action at least for the reasons stated above with regard to claim 1.

B.   Rejection of Dependent Claims 2-10, 12-20, and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 35 U.S.C. § 102(e) has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-10, 12-20, and 22-31.

In general, the Office Action makes various statements regarding claims 1-31 and the cited references that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 26-JAN-2009   _/Ognyan I. Beremski/_

Ognyan Beremski, Esq.
Registration No. 51,458
Attorney for Applicant

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8000

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